

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.7956 of 2015
Date of Decision : 29.05.2018**

Mewa Singh

.....Petitioner

Versus

Santosh Kaur and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr.Aman Bansal, Advocate for the petitioner.
Mr. Parveen Kumar Garg, Advocate for respondents No.1 to 3.

ARUN PALLI, J. (Oral)

The petitioner/plaintiff is in revision against the order dated 10.11.2015 (Annexure P-2), passed by Civil Judge (Jr. Divn.), Sunam, vide which, his application seeking permission to appear as his own witness has since been declined.

Concededly, the suit is posted for rebuttal evidence, if any, and for arguments. It cannot be disputed either that the petitioner has been extremely remiss and negligent in pursuing his cause. But, it shall be equally true that in the event, he is not granted one opportunity to examine himself he shall suffer an incalculable loss, for, his testimony would be crucial and rather enable the Court to arrive at a just and fair decision in the matter. Further, he being the plaintiff would not stand to gain by delaying his own suit. Significantly, the respondents never choose to file any reply to the application moved by the petitioner seeking permission to examine himself.

Having argued the matter at some length, learned counsel for the parties have reached a consensus that let this revision petition be disposed of by granting only one opportunity to the petitioner/plaintiff to examine himself, subject, however, to a suitable cost.

In conspectus of the above, the impugned order dated 10.11.2015 (Annexure P-2), is set aside and the revision petition is disposed of in the following terms:-

- (a) The trial Court shall grant only one opportunity to the petitioner/plaintiff to appear as his own witness or examine himself on the date that shall be specified in this regard.
- (b) In the event of default, the matter shall not be adjourned at any cost and no further opportunity shall be granted.
- (c) This however, shall be subject to Rs.30,000/- as cost that shall be a condition precedent.

29.05.2018

Manoj Bhutani

(ARUN PALLI)

JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No